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10/656,886	09/04/2003	Kimmo Laakkonen	915-006.021	1554
4955 7590 01/21/2010 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER WHIPPLE, BRIAN P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,886

Applicant(s)

LAAKKONEN, KIMMO

Examiner

BRIAN P. WHIPPLE

Art Unit

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,14-18 and 21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-6,9,14-18 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2, 4-6, 9, 14-18, and 21 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments filed 9/14/09 have been fully considered but they are not persuasive.

3. As to claim 1, Applicant argues Nale fails to disclose the disabling of push type e-mail by deactivating a software component at the mobile terminal device, because the holding of e-mail occurs at the central office.

The Examiner respectfully disagrees. It is true the holding will occur at a location other than the mail recipient's device, but the decision to hold email is initiated by the client (Nale: [0075], ln. 32-38). Therefore, the client must store a setting indicating a desire to suspend email delivery and transmit this decision to the mail server. In other words, the client is activating a setting in the mail program to disable delivery of e-mail and therefore push type e-mail is being deactivated at the client.

4. Applicant's remaining arguments are directed to amended subject matter and properly addressed below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-6, 9, 14-18, and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (Theimer), U.S. Patent No. 5,493,692, in view of what was well known in the art at the time of the invention (See MPEP 2144.03), further in view of Skladman et al. (Skladman), U.S. Patent No. 7,181,495 B2, and further in view of Nale, U.S. Publication No. 2003/0074411 A1.

7. As to claim 1, Theimer discloses a method for controlling the handling of push type e-mails on a mobile terminal device (Abstract), comprising:

selecting a user profile (Col. 25, ln. 17-26) on the basis of automatically received position information of said mobile terminal device (Abstract; Col. 8, ln. 52-58; Col. 9, ln. 64

– Col. 10, ln. 7, “user’s context and environment, such as current location... user’s preferences may be dynamically changed by... changing the profile”; Col. 25, ln. 27-45), said user profile regarding the handling of push type e-mails on said mobile terminal device (Col. 25, ln. 17-26, 46-51, and 55-57), wherein said selected user profile comprises push type e-mail enabled or push type e-mail disabled (Col. 25, ln. 46-51),

storing at least one filtered push type e-mail of the received push type e-mail in a manner not visible to said selected user profile when the at least one filtered push type e-mail does not pass the filter characteristics (Col. 10, ln. 13-22; Col. 25, ln. 46-51), and

controlling at said mobile terminal device (Col. 25, ln. 55-57; “a user may specify...”)
the handling of push type e-mails according to said selected user profile (Col. 25, ln. 46-51).

Theimer discloses a user specifying preferences related to the delivery of messages (Col. 25, ln. 55-57) and a user profile (Fig. 3, item 102) depicting the wishes of the user (Col. 25, ln. 23-26) is examined by a UserAgent (Col. 25, ln. 21-23).

Additionally, Theimer discloses that the user’s preferences are stored in a user profile (Col. 9, ln. 54-55) and that the UserAgent is running “on some trusted computer or computers on the network” (Col. 9, ln. 49-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret the user profile as being stored on the mobile terminal device, as the user profile is separate from the UserAgent as discussed above. Theimer fails to explicitly disclose where the user profile is stored, and therefore it would be

natural to assume the profile is stored on the user's mobile terminal device itself, as it is defined by the user and specifies the user's preferences, and the UserAgent "may obtain information about the user from user profile 102 at startup time" (Col. 9, ln. 55-59) as opposed to stating that the user profile is integrated in the UserAgent as implied by the applicant's remarks. Additionally, it is implied the user profile is separate from the UserAgent, because when a user changes preferences the "changing of the profile file and alerting the UserAgent" occur (Col. 10, ln. 3-7).

Furthermore, a person of ordinary skill in the art, upon reading Theimer, would have recognized the need to store the user profile in a system, especially given Theimer's disclosure that the user's preferences are stored (Col. 9, ln. 54-55). There are a finite number of systems in the teachings of Theimer that may be used to store the user profile. It would have been obvious to one of ordinary skill in the art at the time of the invention to try storing the user profile at the mobile terminal device of the user, as a person with ordinary skill in the art has good reason to pursue the known options within his or her technical grasp.

Theimer fails to disclose the e-mail that is not visible to the selected user profile being stored on the mobile terminal device while it is still not visible to the user. However, because Theimer discloses the e-mail being not visible to the user based on conditions (Col. 25, ln.

46-51), the only difference is that the mail is stored on the server prior to the delivery to the client.

Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Theimer by storing the mail at a client device prior to display as this is a simple design choice of where to store the mail prior to displaying it during a proper condition, such as "free" time (Theimer: Col. 10, ln. 13-22), as storing mail at a client was well known in the art at the time of the invention and doing so would enable the mail to be stored on the client when a connection to the server is made, but without requiring a further connection to the server at the time viewing is desired, such as the aforementioned "free" time.

Theimer is silent on filtering received push type e-mail according to a sender based filter characteristic selection, wherein the filter characteristics are defined in said selected user profile.

However, Skladman discloses filtering received push type e-mail according to a sender based filter characteristic selection, wherein the filter characteristics are defined in said selected user profile (Fig. 5; Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Theimer and what was well known in the art by filtering said received e-mail according to a sender based filter characteristic selection,

wherein the filter characteristics are defined in said user profile as taught by Skladman in order to prevent unwanted or unneeded emails from being received by an end user.

Theimer may be interpreted as disclosing disabling push type e-mail by deactivating a software component required to receive push type e-mails in the mobile terminal device. Clearly, if the delivery of an e-mail is delayed, then at least code in the software components of the mobile terminal device of Theimer has resulted in temporary disabling of push type e-mail (since delivery is based on the user preferences as discussed above).

Though, for the sake of argument, the Examiner will assume Theimer and Skladman are silent on disabling push type e-mail by deactivating a software component required to receive push type e-mails in the device of Theimer and Skladman.

However, Nale discloses disabling push type e-mail by deactivating a software component required to receive push type e-mails in a device ([0075], ln. 32-38). The client, through the use of setting vacation hold start and stop dates, disables push type e-mails until a desired date.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Theimer, what was well known in the art, and Skladman by performing the afore-mentioned modifications as taught by Nale in order to allow a user to disable e-mail while on vacation.

8. As to claim 2, Theimer, what was well known in the art, Skladman, and Nale disclose the invention substantially as in parent claim 1, including said controlling of the handling of push type e-mails comprises notifying a push type e-mail server of a mobile communication network about the handling of push type e-mails according to said determined user profile (Theimer: Fig. 1; Fig. 17; Col. 24, ln. 49-60).

9. As to claim 4, Theimer, what was well known in the art, Skladman, and Nale disclose the invention substantially as in parent claim 1, including said user profile comprises a predetermined filter acting on the received push type e-mails (Theimer: Col. 25, ln. 23-26 and 52-57), said filter selecting push type e-mails according to properties of said received emails (Theimer: Col. 25, ln. 23-26 and 52-57), wherein said method further comprises:

receiving a push type e-mail (Theimer: Col. 25, ln. 6-12), and

filtering said received e-mail according to said properties (Theimer: Col. 25, ln. 23-26 and 46-57).

10. As to claim 5, Theimer, what was well known in the art, Skladman, and Nale disclose the invention substantially as in parent claim 2, including storing said received push type e-mail (Theimer: Fig. 17, items 430, 432, and 436; Col. 25, ln. 46-51; it may be interpreted that

if the application waits for a change in context before reattempting delivery that it must store the e-mail until the reattempt)

11. As to claim 6, Theimer, what was well known in the art, Skladman, and Nale disclose the invention substantially as in parent claim 1, including said terminal device further comprises sensors (Theimer: Fig. 1; Col. 12, ln. 62-66), said method further comprising:
determining of sensor data (Theimer: Fig. 1; Col. 12, ln. 62-66), and
changing said user profile according to said determined sensor data (Theimer: Fig. 1; Col. 9, ln. 64 – Col. 10, ln. 7; Col. 12, ln. 62-66; Col. 25, ln. 17-26).

12. As to claims 9 and 14-15, the claims are rejected for reasons similar to claim 1 above.

13. As to claim 16, the claim is rejected for reasons similar to claim 4 above.

14. As to claim 17, the claim is rejected for reasons similar to claim 2 above.

15. As to claim 18, the claim is rejected for reasons similar to claim 6 above.

16. As to claim 21, the claim is rejected for reasons similar to claims 1-2 above.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. See the Notice of References Cited (PTO-892).

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. P. W./
Examiner, Art Unit 2452
1/14/10

/THU NGUYEN/
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